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12 JAN 23 AM 9:10

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SOUTHERN DISTRICT COURT OF CALIFORNIA

VP DEPUTY

UNITED STATES OF AMERICA,

) Magistrate Docket No.

Plaintiff,

)

v.

)

) COMPLAINT FOR VIOLATION OF:

Nichole Marie MARTINEZ,

) Title 21, U.S.C., Section 841(a)(1) and 846

Defendant.

) Conspiracy to Distribute

) Methamphetamine

)

)

The undersigned complainant, being duly sworn, states:

Beginning at a date unknown and continuing up to and including December 16, 2011, within the Southern District of California and elsewhere, defendant Nichole Marie MARTINEZ did knowingly and intentionally conspire with others including Elisa Turner and Danny Yuhas, to distribute methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1) and 846.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
ERIC WOLTZ
SPECIAL AGENT, FBI

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF JANUARY, 2012.



HON. RUBEN B. BROOKS
UNITED STATES MAGISTRATE JUDGE

#1 ✓

STATEMENT OF FACTS

I, Special Agent Eric Woltz, declare under penalty of perjury, the following is true and correct:

The East County Regional Gang Task Force has been conducting a drug trafficking investigation into Silvano Hernandez and Elisa Turner. During the course of that investigation, which involved court-authorized wiretap interceptions, MARTINEZ was identified as a sub-distributor for Turner. MARTINEZ was intercepted in approximately 68 pertinent calls between October 8, 2011 and December 16, 2011. She was principally intercepted over Turner and Danny Yuhas's telephones. Both Yuhas and Turner addressed MARTINEZ by her first name during intercepted calls. Some of those telephone calls are summarized below. To the extent that the intercepted parties used coded or veiled language, I have included my interpretation in brackets. My interpretation is based on my training and experience as well as the opinions of other agents who have been listening to Turner and Yuhas's telephone calls for several months.

On October 17, 2011, at 1:38 p.m., Yuhas called Turner. Turner advised Yuhas that she would be on her way [to resupply him with methamphetamine] as soon as she finished getting ready. The two exchanged another call at 2:51 p.m. where Turner advised that she was not ready yet. At 4:11 p.m., Yuhas called Turner and asked for her "ETA" [estimated time of arrival]. Turner said that she was in Spring Valley [her supplier, Hernandez lives in Spring Valley]. Yuhas requested "half a loaf of bread" [1/2 ounce of methamphetamine]. Turner indicated that she was on her way. At 4:56 p.m., Yuhas called Turner's telephone and spoke with MARTINEZ. MARTINEZ gave Yuhas directions to a fast-food restaurant in Spring Valley off Interstate 94 and Sweetwater Springs Boulevard. At 5:35 p.m., MARTINEZ called Yuhas using Turner's telephone. MARTINEZ confirmed that they [MARTINEZ and Turner] were meeting Yuhas off the freeway. At 5:55 p.m. Yuhas called back and told Turner that he was inside the fast-food restaurant. At 6:02 p.m. Yuhas arrived at the restaurant, followed by Turner and MARTINEZ. Yuhas and Turner parked next to each other. MARTINEZ got out of Turner's Expedition and spoke to Yuhas while Turner got into the passenger seat of Yuhas' Explorer. Moments later Turner returned to her Expedition. Two minutes after the two vehicles first arrived in the parking lot, they departed. Turner and MARTINEZ left the area. Yuhas, however, exited the parking lot and returned a few moments later. Yuhas parked, got out of his Explorer, concealed an item [presumably, the ½ ounce of methamphetamine he ordered from Turner] in the driver's side front fender area [Yuhas has previously been seen taking something out this area of his vehicle immediately prior to selling methamphetamine to a confidential source]. Yuhas then went into the restaurant and surveillance was terminated. MARTINEZ was identified by law enforcement from her California Department of Motor Vehicles photograph during this surveillance. She was also captured on video meeting with Yuhas.

On December 15, 2011, at 9:07 p.m. Turner called MARTINEZ and asked if MARTINEZ had "given anything [methamphetamine] to Norman [Norman Norris, a methamphetamine customer of Turner's based on other intercepted calls and surveillance]." MARTINEZ said, "no, I haven't even touched it [the methamphetamine]." Turner explained that Norris was "stalking me" because "he's desperate ... needing bomb [methamphetamine]." MARTINEZ asked, "What do you want me to do?" Turner told MARTINEZ not to "give him shit [methamphetamine] because he's hounding all my people [sub-distributors]." MARTINEZ and Turner discussed whether MARTINEZ should deliver something to Turner's residence. MARTINEZ said, "I have it [methamphetamine] right now, so ..." Turner replied, "If you want, come over, if not, I don't care." Turner then asked "who are you trying to get rid of those two [ounces of methamphetamine] for?" MARTINEZ said she wasn't trying to get rid of any of it, and asked if it might be "the stuff [methamphetamine] that Wankel [unknown] has." Turner told her "nevermind."

On December 14, 2011, at 6:17 p.m., Turner called MARTINEZ and said, "some Asian guy named Jay, he, he needs a seven [seven grams of methamphetamine], can you get a seven ready for him?" MARTINEZ replied, "okay, okay, yeah." MARTINEZ said that she was with "Wankel," but would be home in about 20 minutes. Turner told MARTINEZ to take her time, but to let her know when she was ready so that Turner could send Jay "towards her way" [to MARTINEZ's house]. Turner then told MARTINEZ that if she had \$40, and

still wanted to get that “40” [\$40 worth of methamphetamine] that she could weigh herself out “half a T” [1/32nd ounce of methamphetamine]. MARTINEZ said “okay.” Based on this telephone call, and others, I believe MARTINEZ was selling Turner’s methamphetamine to others, like Jay, as instructed by Turner. In this case, Turner was also offering MARTINEZ methamphetamine for her own purchase and use.